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UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

Ex parte ARUN KOORMAMTHARAYIL

Appeal 2015-007594
Application 12/142,543
Technology Center 2100

Before JASON V. MORGAN, ADAM J. PYONIN, and
MICHAEL J. ENGLE, *Administrative Patent Judges*.

PYONIN, *Administrative Patent Judge*.

DECISION ON APPEAL

This is a decision on appeal under 35 U.S.C. § 134(a) from a final rejection of claims 1, 4–13, 16–19, and 22–28, which are all of the pending claims. *See* App. Br. 1. We have jurisdiction under 35 U.S.C. § 6(b).

We AFFIRM.

STATEMENT OF THE CASE

Introduction

The Application is directed to “systems and methods for attribute indication and accessibility in electronic documents. Embodiments disclosed allow a user to identify characteristics present in a document and

to use those indicators associated with those identified characteristics to quickly access parts of the document that are associated with the characteristic.” Spec. ¶ 14. Claims 1, 11, and 17 are independent. Claim 1 is reproduced below for reference (with emphases added):

1. A computer-implemented method, comprising:
identifying a plurality of characteristics associated with a work, the work comprising a plurality of scenes;
responsive to identifying the plurality of characteristics, for each of the plurality of characteristics, associating a different indicator with the respective characteristic and with scenes within the work having the respective characteristic;
inserting into the work one or more metadata tags for the different indicators, the metadata tags identifying locations of the characteristics within the work;
receiving a selection of a first indicator from the different indicators; and
responsive to receiving the selection of the first indicator, *outputting scenes associated with the first indicator based on the one or more metadata tags.*

References and Rejections

Claims 1, 4–13, 16–19, and 22–27 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over “Movie Outline 3.0 - Key Feature,” archived at archive.org, Oct. 17, 2007, retrieved at <http://web.archive.org/web/20071017050111/http://www.movieoutline.com/features.html> (“Movie Outline”) and “Mindola Supernotecard,” archived at archive.org, Dec. 13, 2007, retrieved at <https://web.archive.org/web/20071213155435/http://www.mindola.com/snc/index.html> (“Mindola”). Final Act. 3.

Claim 28 stands rejected under 35 U.S.C. § 103(a) as being unpatentable over Movie Outline, Mindola Software, and Ma (US 2006/0064734 A1; Mar. 23, 2006). Final Act. 8.

ANALYSIS

We have reviewed the Examiner's rejections in light of Appellant's arguments. We have considered in this Decision only those arguments Appellant actually raised in the Briefs. Any other arguments Appellant could have made but chose not to make in the Briefs are deemed to be waived. *See* 37 C.F.R. § 41.37(c)(1)(iv) (2014). We adopt the Examiner's findings and conclusions (*see* Final Act. 3–9; Ans. 8–9) as our own, and we add the following primarily for emphasis.

A. Independent Claim 1

Appellant argues the Examiner erred in rejecting independent claim 1, because the cited references fail to teach or suggest multiple recited limitations: “First . . . neither Movie Outline nor Mindola discusses ‘inserting into the work one or more metadata tags for the indicators, the metadata tags identifying locations of the characteristics within the work’” (App. Br. 6); “Secondly, Movie Outline in view of Mindola does not disclose or make obvious ‘receiving a selection of a first indicator from the different indicators’” (*id.* at 7); and “Finally, Movie Outline in view of Mindola does not disclose or make obvious ‘responsive to receiving the selection of the first indicator, outputting scenes associated with the first indicator based on the one or more metadata tags’” (*id.*).

We are not persuaded the Examiner erred. During examination, claims are given “the broadest reasonable meaning of the words in their ordinary usage as they would be understood by one of ordinary skill in the art, taking into account whatever enlightenment by way of definitions or otherwise that may be afforded by the written description contained in the

applicant’s specification.” *In re Morris*, 127 F.3d 1048, 1054 (Fed. Cir. 1997).

First, Appellant’s Specification describes a “characteristic” as “correspond[ing] to a property within a scene or script” for a theatrical or dramatic work, and describes an “indicator” as “data that can be used to identify the presence of a characteristic . . . [such as] data that is inserted into an electronic document.” Spec. ¶¶ 23–24; *see also id.* ¶ 22. Appellant’s Specification further discloses different examples of indicators, including an embodiment in which “the electronic document editor 231 generates metadata that is inserted into an electronic document”¹ to identify the presence of a characteristic. *id.* ¶ 24.

Similar to the Specification, Mindola teaches that a writer can “efficiently define and track characters, plots, and references [of a script]” (Mindola page 1) by assigning script cards to a category, or “us[ing] the flag feature to mark cards that need adjustments and add notes” (Mindola page 2).² As Mindola teaches linking and organizing various aspects of the writer’s work, we are not persuaded by Appellant’s assertion that Mindola teaches only graphical objects rather than the recited metadata. *See* App. Br. 6; Reply Br. Section I; *see also* Mindola Screen_deck, page 3 (showing keywords identifying various characters within the work, including first, second, and third little pigs, wolf, and mother). Thus, Appellant has not persuaded us the claimed limitation (“inserting into the work one or more metadata tags for the indicators, the metadata tags identifying locations of

¹ We note this is the sole mention of the term “metadata” in the Specification.

² *See, e.g.*, Mindola Figs. 1–3 (depicting a work—“The Three Little Pigs”—using notecards, categories, flags, outline views, etc.).

the characteristics within the work”) is not suggested by the script flagging and categorizing method of Mindola. *See* Ans. 2.

Secondly, we agree with the Examiner that the combination of Movie Outline and Mindola teaches or suggests “receiving a selection of a first indicator from the different indicators” as claimed, because Movie Outline teaches using a dialogue spotlight tool to “[i]solate a specific character’s dialogue throughout [the] screenplay” (Movie Outline section 9) and Mindola teaches using “a few clicks [to] review or print all cards that reference a particular source” (Mindola page 1). Movie Outline further teaches receiving a selection, as claimed, because Movie Outline discloses entering a character name or word to be tracked and highlighted within the script. *See* Movie Outline section 11; *cf.* Spec. ¶ 25 (“In still a further embodiment, a user may select a desired indicator from a drop-down menu or the user may type in a description of the indicator, such as a character’s name”). Thus, we are not persuaded the Examiner erred in finding the combined teachings of Mindola and Movie Outline teach or suggest the disputed limitations. *See* Ans. 3; *see also* App. Br. 16; Reply Br. Section II.

Finally, we agree with the Examiner that the cited references teach or suggest the claim limitation “responsive to receiving the selection of the first indicator, outputting scenes associated with the first indicator based on the one or more metadata tags.” *See* Final Act. 3–4. Appellant’s disclosure provides that “the system 200 may output scenes associated with the selected indicator as shown in Figure 8, . . . [in which] application 100 has generated a report view 810 based at least in part on a selection of an indicator.” Spec. ¶ 39. To output the report view, the “user may then save the report, print the report, email the report, or take other actions with the report.” *Id.* Similarly,

Movie Outline creates a report of a “specific character’s dialog” (Movie Outline, section 9) and Mindola teaches an “assortment of export and print options” to output selected cards (e.g., a report). *See* Movie Outline, section 9; Mindola page 1; *see also* Final Act. 9. Based on the record before us, we are not persuaded the claimed limitation “represented an unobvious step over the prior art.” *Leapfrog Enters., Inc. v. Fisher-Price, Inc.*, 485 F.3d 1157, 1162 (Fed. Cir. 2007) (citing *KSR*, 550 U.S. at 418–19).

We do not find the Examiner erred in finding the disputed limitations of claim 1 to be obvious in view of the combination of Movie Outline and Mindola. Accordingly, we sustain the rejection of independent claim 1, and claims 4–13, 16–19, and 22–27, which are not separately argued. *See* App. Br. 8.

B. Dependent Claim 28

Claim 28 depends from claim 1, and further recites “wherein the metadata tags comprise XML tags.”³ Appellant argues the Examiner erred in rejecting dependent claim 28 because “Ma is not directed to the same field as the present application nor to Movie Outline or Mindola” (App. Br. 9), and “even if Ma were properly relied upon, it does not cure the . . . deficiencies of Movie Outline in view of Mindola” (App. Br. 10). Particularly, Appellant contends that although “Ma generally discloses XML tags, no part of Ma suggests” the specific limitations of claim 1 wherein the recited tags comprise XML tags. *Id.*

³ We note the Specification describes using XML tags as a *separate* embodiment from the embodiment disclosing the insertion of metadata. *See* Spec. ¶ 24.

We are not persuaded the Examiner erred in relying upon Ma in the rejection of dependent claim 28. First, we find Ma to be analogous prior art, at least because Ma is reasonably pertinent to the problem of organizing and correlating data using metadata. *See* Spec. ¶¶ 1–2; Ma ¶¶ 19, 22; *see also In re Clay*, 966 F.2d 656, 658–59 (Fed. Cir. 1992).

Second, Appellant’s contention that Ma does not teach or suggest the limitations of claim 1, as modified by claim 28, also does not persuade us the rejection was in error. *See* App. Br. 10. The Examiner relies on Movie Outline and Mindola for the limitations of claim 1, and further finds a person of ordinary skill in the art would modify this combination with the teachings of Ma to perform the method of claim 28 and obtain the benefits of using XML code. *See* Ans. 3; *see also* Final Act. 8 (citing Ma ¶¶ 19–20).

Appellant argues each reference separately, but does not persuade us the Examiner erred in relying on the combination of cited references. “The test for obviousness is not . . . that the claimed invention must be expressly suggested in any one or all of the references. Rather, the test is what the combined teachings of the references would have suggested to those of ordinary skill in the art.” *In re Keller*, 642 F.2d 413, 425 (CCPA 1981); *see also KSR Int’l Co. v. Teleflex, Inc.*, 550 U.S. 398, 416 (2007) (“The combination of familiar elements according to known methods is likely to be obvious when it does no more than yield predictable results.”).

Accordingly, we are not persuaded the Examiner erred in finding the combination of Movie Outline, Mindola, and Ma teaches or suggests the limitations of dependent claim 28.

DECISION

The Examiner's rejection of claims 1, 4–13, 16–19, and 22–28 is affirmed.

No time period for taking any subsequent action in connection with this appeal may be extended under 37 C.F.R. § 1.136(a)(1)(iv).

AFFIRMED